

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION

UNITED STATES OF AMERICA)	
)	
v.)	No. 3:12-00013
)	JUDGE CAMPBELL
NICKLESS WHITSON)	

ORDER

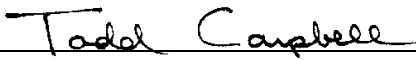
In a recent filing (Docket No. 233), counsel for Defendant Nickless Whitson indicated that the Defendant had not yet reached the facility where he is to be evaluated, and consequently, counsel were unable to communicate with their client about the filing of pretrial motions. In a subsequent Order (Docket No. 234), the Court extended the pretrial motion filing deadline for Defendant Nickless Whitson until the twenty-eighth day after he returns to the District.

A status conference is scheduled in this case for November 29, 2012. In light of counsel's representation that Defendant Nickless Whitson is still in transit, the Defendant will not be present for the status conference, and is unlikely to be returned to the District in time to prepare for trial on January 8, 2013. Accordingly, the Court concludes that Defendant Nickless Whitson should be SEVERED from the other Defendants for the trial set on January 8, 2013. Fed. R. Crim. P. 14(a); Zafiro v. United States, 506 U.S. 534 (1993). In the event Defendant Nickless Whitson is returned to the District in time to prepare for trial, the Court will re-join him for trial with the other Defendants.

The Court will set a new trial date for Defendant Nickless Whitson upon his return to the District. The Court finds that the period of delay occasioned by the continuance of the trial for Defendant Nickless Whitson is reasonable and is excludable under the Speedy Trial Act. 18

U.S.C. § 3161(h)(1)(A). The Court also finds that the interests of justice served by granting the continuance outweigh the interests of the public and Defendant Nickless Whitson in a speedy trial on the date previously scheduled. 18 U.S.C. § 3161(h)(7)(A),(B).

It is so ORDERED.


TODD J. CAMPBELL
UNITED STATES DISTRICT JUDGE